

## Finocchiaro, Marco

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**From:** Feinmark, Phyllis  
**Sent:** Thursday, March 11, 2021 2:30 PM  
**To:** Finocchiaro, Marco; Montgomerie, Robert  
**Subject:** FW: Yaraghi Realty / March 17 EPA site visit

FYI

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**From:** Yoskin, Neil <[nyoskin@cullenllp.com](mailto:nyoskin@cullenllp.com)>  
**Sent:** Thursday, March 11, 2021 1:22 PM  
**To:** Feinmark, Phyllis <[Feinmark.Phyllis@epa.gov](mailto:Feinmark.Phyllis@epa.gov)>; Cristin Mustillo <[Cristin.Mustillo@law.njoag.gov](mailto:Cristin.Mustillo@law.njoag.gov)>  
**Cc:** Jennifer Moriarty <[Jennifer.Moriarty@law.njoag.gov](mailto:Jennifer.Moriarty@law.njoag.gov)>  
**Subject:** RE: Yaraghi Realty / March 17 EPA site visit

Thank you.

**Neil Yoskin**  
Partner  
**Cullen and Dykman LLP**  
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**From:** Feinmark, Phyllis <[Feinmark.Phyllis@epa.gov](mailto:Feinmark.Phyllis@epa.gov)>  
**Sent:** Thursday, March 11, 2021 1:00 PM  
**To:** Yoskin, Neil <[nyoskin@cullenllp.com](mailto:nyoskin@cullenllp.com)>; Cristin Mustillo <[Cristin.Mustillo@law.njoag.gov](mailto:Cristin.Mustillo@law.njoag.gov)>  
**Cc:** Jennifer Moriarty <[Jennifer.Moriarty@law.njoag.gov](mailto:Jennifer.Moriarty@law.njoag.gov)>  
**Subject:** [EXTERNAL] RE: Yaraghi Realty / March 17 EPA site visit

Thank you all for including me in this chain of correspondence. As I told Mr. Yoskin, this will be a site inspection to evaluate conditions relating to possible federal jurisdiction on the site. In furtherance of that goal, the arrangement I have made with Mr. Yoskin is for an EPA-only site visit. EPA will advise both Mr. Yoskin and NJDEP of the outcome of our investigation. Thank you.

Phyllis Feinmark  
Chief, Water and General Law Branch  
Office of Regional Counsel  
US EPA Region 2  
290 Broadway, NY NY 10007  
(212) 637-3232

**From:** Yoskin, Neil <[nyoskin@cullenllp.com](mailto:nyoskin@cullenllp.com)>  
**Sent:** Thursday, March 11, 2021 12:38 PM  
**To:** Cristin Mustillo <[Cristin.Mustillo@law.njoag.gov](mailto:Cristin.Mustillo@law.njoag.gov)>  
**Cc:** Jennifer Moriarty <[Jennifer.Moriarty@law.njoag.gov](mailto:Jennifer.Moriarty@law.njoag.gov)>; Feinmark, Phyllis <[Feinmark.Phyllis@epa.gov](mailto:Feinmark.Phyllis@epa.gov)>  
**Subject:** RE: Yaraghi Realty / March 17 EPA site visit

By the way, and for its worth, DEP is represented on the Appeal filed by SPA on the limited issue of standing to challenge the flood hazard, and nothing more. This issue of EPA jurisdiction is a different matter. And please also keep in mind that this entire thing was initiated by a phone call from a DEP staffer to my client's wetland consultant. All of that notwithstanding, and as a matter of courtesy only, I will not contact DEP.

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**From:** Cristin Mustillo <[Cristin.Mustillo@law.njoag.gov](mailto:Cristin.Mustillo@law.njoag.gov)>  
**Sent:** Thursday, March 11, 2021 11:08 AM  
**To:** Yoskin, Neil <[nyoskin@cullenllp.com](mailto:nyoskin@cullenllp.com)>  
**Cc:** Jennifer Moriarty <[Jennifer.Moriarty@law.njoag.gov](mailto:Jennifer.Moriarty@law.njoag.gov)>  
**Subject:** [EXTERNAL] Re: Yaraghi Realty / March 17 EPA site visit

Neil,

As noted in my last email (3/4), DEP is represented in this matter. Please do not contact them directly.

DEP is not available on March 17, but would like to attend the site visit. Would you be able to propose a couple of alternate dates/times?

Thanks,  
Cristin

**Cristin D. Mustillo, DAG**

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**From:** Yoskin, Neil <[nyoskin@cullenllp.com](mailto:nyoskin@cullenllp.com)>

**Sent:** Thursday, March 11, 2021 8:57 AM

**To:** Michael Tropiano (DEP) <[Michael.Tropiano@dep.nj.gov](mailto:Michael.Tropiano@dep.nj.gov)>; Ryan Anderson (DEP) <[Ryan.Anderson@dep.nj.gov](mailto:Ryan.Anderson@dep.nj.gov)>; Jennifer Moriarty <[Jennifer.Moriarty@law.njoag.gov](mailto:Jennifer.Moriarty@law.njoag.gov)>; Cristin Mustillo <[Cristin.Mustillo@law.njoag.gov](mailto:Cristin.Mustillo@law.njoag.gov)>

**Cc:** Yoskin, Neil <[nyoskin@cullenllp.com](mailto:nyoskin@cullenllp.com)>

**Subject:** [EXTERNAL] Yaraghi Realty / March 17 EPA site visit

Good morning:

My client has agreed to allow the site visit requested by EPA. Because of the unusual nature of that visit (performed at the request of the National Park Service and presumably authorized under Section 8(j) of the Freshwater Wetland Protection Act), and because the LOI being revisited is more than six years old and has been heavily relied upon by Yaraghi Realty, I think it is appropriate that someone with more seniority than Mr. Tropiano attend as well. There is a great deal at stake here.

The site visit is scheduled for March 17; the time has not been fixed.

**Neil Yoskin**

Partner

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